

## Message Text

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71

ACTION EB-11

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 7830

INFO AMCONSUL MUNICH

AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: EIND, UR, GW

SUBJ: COPYRIGHT - PROBLEMS ENCOUNTERED BY GERMANS WITH  
USSR SINCE ADHERENCE TO UNIVERSAL COPYRIGHT CONVENTION (UCC)

REF: STATE 188782

1. EMBASSY HAS DISCUSSED THE QUESTIONS RAISED IN REFTEL WITH  
MINISTERIALRAETIN ELISABETH STEUP OF THE FEDERAL GERMAN  
JUSTICE MINISTRY AND OBTAINED THE FOLLOWING ANSWERS:

2. TO QUESTION A:

A. IN EARLY SUMMER, A DELEGATION OF THE TRADE ASSOCIATION  
OF GERMAN PUBLISHERS AND BOOKSELLERS (BOERSENVEREIN DES  
DEUTSCHEN BUCHHANDELS) MET IN MOSCOW WITH THE SOVIET  
AGENCY MEZH-KNIGA IN ORDER TO ESTABLISH FIRST CONTACTS AND  
TO DISCUSS GENERAL QUESTIONS. IN GENERAL, IT TURNED OUT  
THAT THE DESIRES OF THE TWO PARTIES DID NOT COINCIDE. THE  
SOVIETS, IN VIEW OF THEIR UNFAVORABLE FOREIGN TRADE BALANCE  
IN PUBLICATIONS, WERE MORE INTERESTED IN OBTAINING LICENSES  
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FOR REPRODUCTION RIGHTS OF GERMAN SCIENTIFIC-TECHNICAL

PERIODICALS. THE GERMAN PUBLISHERS, ON THE OTHER HAND, WERE MORE INTERESTED IN CONCLUDING SALES CONTRACTS FOR THESE PUBLICATIONS, IN ORDER TO PERMIT LONGER PRESS RUNS AND TO LOWER DISTRIBUTION COSTS.

B. SINCE THE ABOVE MEETING, ONLY A FEW INDIVIDUAL NEGOTIATIONS HAVE BEEN CONDUCTED BETWEEN GERMAN PUBLISHERS AND THE SOVIET AGENCY. THESE HAVE DEALT ONLY WITH TRANSLATION RIGHTS, AND IT IS NOT KNOWN WHETHER ANY NEGOTIATIONS HAVE BEEN COMPLETED.

C. THE TRADE ASSOCIATION HAS ALSO STATED THAT THE ROYALTY RATES OFFERED BY THE SOVIETS ARE LOW.

D. FRAU STEUP BELIEVES A NEW IMPULSE MAY BE GIVEN TO BUSINESS DEALS AT THE GERMAN BOOK FAIR BEING HELD AT FRANKFURT OCTOBER 11-16 AT WHICH A DELEGATION FROM THE USSR IS EXPECTED.

3. TO QUESTION B:

A. NO PUBLISHER HAS REPORTED TO THE MINISTRY ANY INSTANCE OF VIOLATION OF THE UCC. ON THE CONTRARY, FRAU STEUP HAS THE IMPRESSION THE SOVIETS ARE TRYING TO ADHERE STRICTLY TO THE REQUIREMENTS OF THE CONVENTION.

B. IN CONNECTION WITH FRG-SOVIET NEGOTIATIONS FOR AN AGREEMENT ON SCIENTIFIC COOPERATION, OFFICIALS FROM THE SOVIET SCIENCE MINISTRY HAD EXPRESSED A DESIRE TO DISCUSS THE UCC WITH THE GERMANS. HOWEVER, THE DISCUSSION DID NOT TAKE PLACE. FRAU STEUP HAS THE IMPRESSION THAT THE SOVIETS HAD WANTED TO DISCUSS THE "FAIR USE" DOCTRINE AND TO LEARN HOW IT IS INTERPRETED BY THE FRG.

4. TO QUESTION C:

A. THE GERMAN GOVERNMENT DOES NOT RENDER ANY ASSISTANCE TO GERMAN PUBLISHERS. ONLY IF A CONSPICUOUS VIOLATION OF THE UCC BY THE SOVIETS WERE TO BE BROUGHT TO ITS ATTENTION, MIGHT THE GOVERNMENT REQUEST ITS DIPLOMATIC MISSION IN THE LIMITED OFFICIAL USE

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USSR TO LOOK INTO THE MATTER.

B. FRAU STEUP EMPHASIZED THAT THE FOREGOING STATEMENT IS A TESTBOOK ANSWER TO A TEXTBOOK QUESTION SINCE THE FRG HAS HAD NO CONCRETE CASE OF A VIOLATION IN THE FEW MONTHS SINCE THE SOVIET UCC MEMBERSHIP HAS BEEN IN EFFECT. AN UNDULY FLAGRANT VIOLATION OR ONE WITH A SIGNIFICANT PUBLIC RELATIONS ASPECT, IMPLICITLY, MIGHT NOT BE TREATED IN

TEXTBOOK FASHION.  
HILLENBRAND

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